

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALCOLM COLEMAN,

No. C 11-3463 SBA (PR)

Plaintiff,

**ORDER DENYING DEFENDANT'S
MOTION FOR A STAY OF DISCOVERY**

v.

W. ROGERS, Assistant Food Manager,

Defendant.

Plaintiff, a state prisoner incarcerated at the Correctional Training Facility ("CTF"), filed this civil rights action under 42 U.S.C. § 1983 stemming from the alleged service of contaminated food at CTF. Defendant has filed a motion for summary judgment. Defendant has also filed a motion to stay discovery pending the resolution of the motion for summary judgment regarding the defense of qualified immunity.

A district court has broad discretion to stay discovery pending the disposition of a dispositive motion. See Panola Land Buyers Ass'n v. Shuman, 762 F.2d 1550, 1560 (11th Cir. 1985); Scroggins v. Air Cargo, Inc., 534 F.2d 1124, 1133 (5th Cir. 1976).

Here, Plaintiff has not yet filed his opposition to Defendant's motion for summary judgment. A stay of discovery could affect Plaintiff's ability to file his opposition against the aforementioned motion, which is not only based on qualified immunity but also challenges the merits of his Eighth Amendment claim. Finally, staying discovery would only further delay resolution of the case if the motion for summary judgment is denied. Accordingly, Defendant's motion for a stay of discovery is DENIED.

IT IS SO ORDERED.

Dated: 10/4/2013


SAUNDRA BROWN ARMSTRONG
United States District Judge